UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Email

MAR 10 2015

Mr. Roland Lampert
899 Broadway Associates
900 Veterans Boulevard, Suite 410
Redwood City, California 94063
rolandlamp@aol.com

Subject: Toxic Substances Control Act (TSCA), Polychlorinated Biphenyls (PCBs) - Cleanup of PCBs at Former Railroad Spur Property, Bay Road, Redwood City, California

Dear Mr. Lampert:

Thank you for submitting the "PCB Cleanup Plan Former Rail Spur Property Bay Road and Broadway Redwood City, California" dated January 7, 2015 (2015 PCB Plan).[1] WEST[2] prepared this plan on your behalf. The 2015 PCB Plan is a new cleanup plan to cap soils contaminated with polychlorinated biphenyls (PCBs) at the Railroad Spur Property (RSP) that you own. This plan supersedes the previous "PCB Cleanup Plan Former Rail Spur Property Bay Road and Charter Street Redwood City, California," dated May 2014 (2014 PCB Plan). EPA conditionally approved that plan in the enclosed July 22, 2014 letter (2014 Approval).

This letter serves as the U.S. Environmental Protection Agency Region 9's (EPA's) conditional approval (Approval) of the 2015 PCB Plan and supersedes EPA's 2014 Approval. This Approval is effective immediately and only applies to the entire RSP. EPA is issuing this Approval under the TSCA PCB regulations in 40 CFR 761.61(a) and 761.61(c). Below are the conditions of approval.

The RSP is approximately 600 feet long and between 20 to 45 feet wide (approximately 20,000 square feet); and consists of paved and unpaved areas. The 2015 PCB Plan proposes an asphalt-concrete cap to be constructed on the entire site in addition to other actions such as additional soil sampling and a restrictive land use covenant (LUC). The cap for the paved area will consist of the existing asphalt and a new layer of asphalt that will be added during capping of the entire site.

EPA has determined that implementation of the 2015 PCB Plan as modified by this Approval will not result in an unreasonable risk of injury to health or the environment. The site will be capped to cover the PCB contaminated soils. The required land use covenant will establish the cap be maintained in perpetuity and that repairs and routine inspections be conducted.

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[1] The 2015 PCB Plan is based on the 2014 PCB Plan and related EPA Approval, the results of soil sampling conducted in the unpaved area of the site in September 2014, and WEST's October 13, 2014 brief evaluation of remedial options for the RSP.

[2] WEST Environmental Services & Technology

EPA's Conditions of Approval

1. **Implementation of the PCB Plan.** The RSP owner and its consultants must implement the PCB Plan as modified by the conditions in this Approval.

2. **Written Certification.** Within 14 days after the date of this Approval submit the written certification required in 40 CFR 761.61(c)(1) and 761.61(a)(3)(i)(E). The certification must be signed by the property owner and the cleanup party.

3. **Decontamination of tools, sampling equipment, and movable equipment; and disposal of decontamination wastes.** Decontamination and waste disposal must be conducted consistent with applicable requirements in 40 CFR 761.79.

4. **Section 5.2, Tasks 2.0 (Site Preparation) and 5.2.2.1 (Air Monitoring).** Vegetation root bowls and soil that may be removed from the unpaved area of the RSP during grubbing before the site is capped must be disposed offsite as PCB remediation waste (40 CFR 761.61(a)(5)).

   Businesses frequented by the public are located adjacent to the RSP. Real-time perimeter air monitoring must be conducted continuously. The California Air Resources Board's (CARB's) ambient air quality standard for dust (PM10) must be used and applied to the 8-hour working day. This air standard is 0.050 mg/cubic meter and will be used as a total dust air standard. Also, a 0.250 mg/cubic meter of dust must be used as the maximum 10-minute average concentration not to be exceeded. If exceeded, dust suppression measures must be increased and/or other measures taken to keep the dust levels at or below that average concentration.

   Upwind background monitors must be installed at a reasonable distance from the PCB-cleanup work area. The upwind background dust concentration must be added to CARB's standard to calculate the dust concentration not to be exceeded. Dust levels at the downwind station are not to exceed CARB's standard.

   Before deciding whether to use the CARB standard, the formula provided in Enclosure 2 must be used to calculate the not-to-exceed dust volume in air during remedial field activities. Such calculation must be made based on the highest PCB soil levels that may be disturbed to facilitate capping of the site. The CARB standard must be compared to that PCB-specific dust volume calculation. The most stringent of the two (CARB standard and calculated dust concentration based on the enclosed formula) must be used as the action level for dust monitoring at the site during remedial activities and while soils are exposed and no remedial activities are being conducted.

   A visible dust standard is to be applied during remediation activities including capping of the contaminated soils and when no remedial activities are being conducted but soils remain exposed awaiting installation of the cap. The visual dust standard applies to dust at the remediation area and dust leaving the perimeter of the site.

5. **Cleanup Completion Report (CCR) and Soil Management Plan (SMP).** Within 60 days after completion of cleanup field activities submit a CCR and an SMP. The SMP is to facilitate the disposal of soils beneath the cap during potential future cap modifications. In addition to the information identified in Task 9.0, the CCR must include information specified in 40 CFR 761.61(a)(9).

6. **Land Use Covenant (LUC).** Within 45 days after EPA approves the PCB cleanup completion report, a draft LUC must be submitted to EPA for review and approval. A meeting with EPA is recommended prior to drafting the LUC. The cap must be maintained in perpetuity and routine inspections must be conducted to evaluate the physical integrity of the cap. We recommend the LUC also be submitted to the Regional Water Quality Control Board San Francisco Bay Region for review. 899 Broadway Associates may use as an example the recorded LUC for the former Tyco facility adjacent to the RSP. As clarification, EPA does not "certify" a PCB cleanup site has been remediated.

7. **Appendix B, Operations and Maintenance Plan, Section 2.2 (Cap Inspection).** The annual inspection must include photos documenting the status of the physical condition of the cap.

This Approval does not relieve 899 Broadway Associates and its consultants from complying with other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. Departure from this Approval without prior written permission from EPA may result in revocation of this Approval. If additional information demonstrates that EPA can no longer make a no unreasonable risk determination, EPA will modify or revoke this Approval.

We look forward to assisting you and your consultants on PCB matters associated with the PCB cleanup at the RSP in Redwood City, California. If you have questions concerning this Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov. Thank you.

Sincerely,

Jeff Scott, Director
Land Division

Enclosures (2)

Cc: David Barr, RWQCB-SFB
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Peter Morris, West Environmental Services & Technology
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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JUL 22 2014

Via U.S. Postal Service and Email

Mr. Roland Lampert
899 Broadway Associates
900 Veterans Boulevard, Suite 410
Redwood City, California 94063
rolandlamp@aol.com

Re: Toxic Substances Control Act (TSCA), Polychlorinated Biphenyls (PCBs) – Cleanup of PCBs at Former Railroad Spur Property in Redwood City, California

Dear Mr. Lampert:

The U.S. Environmental Protection Agency Region 9 (EPA) appreciates West Environmental Services & Technology (WEST) submitting on your behalf and for our approval, the *"PCB Cleanup Plan Former Rail Spur Property Bay Road and Charter Street Redwood City, California."* dated May 2014 (PCB Plan). Enclosed is EPA's conditional approval (Approval) of the PCB Plan. The Approval is effective immediately and applies to the Railroad Spur Property (RSP) that you own. The PCB Plan was submitted in response to the enclosed EPA Directive dated May 31, 2013. That Directive required measures to control dust from the property, additional characterization for PCBs, and a cleanup plan.

EPA is issuing the enclosed Approval with conditions under the TSCA PCB regulations in 40 CFR 761.61(a) and 761.61(c). Please refer to the enclosed Approval for details. This Approval applies to both the unpaved and paved portions of the RSP. The PCB Plan does not address PCBs in the paved portion of the RSP.

The paved portion of the RSP abuts R&B Pipe Company. Soils beneath the pavement are contaminated with PCBs at levels up to 1, 738 mg/kg. This is based on test results for native soils at 0.3 feet and 1 foot below the base rock-soil interface beneath the pavement (about 3 to 4 feet below ground surface). The Approval includes a condition to address PCBs in the paved portion of the RSP. Please schedule a conference call with EPA to discuss options to address PCBs in the paved portion of the RSP.

We look forward to assisting you and your consultants on PCB matters associated with the PCB cleanup at the RSP in Redwood City, California. If you have questions concerning the enclosed

Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov. Thank you.

Sincerely,

Jeff Scott, Director
Land Division

Enclosure (U.S. EPA Region 9 Conditional Approval)

Cc: David Barr, RWQCB-SFB
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U.S. Environmental Protection Agency Region 9 Conditional Approval
for
Railroad Spur Property, Redwood City, California

TSCA PCB Cleanup Approval Under 40 CFR 761.61(a) and 40 CFR 761.61(c)

JUL 2 2 2014

A. Introduction and Background

The U.S. Environmental Protection Agency Region 9 (EPA) hereby approves with conditions the *"PCB Cleanup Plan Former Rail Spur Property Bay Road and Charter Street Redwood City, California."* dated May 2014 (PCB Plan). West Environmental Services & Technology (WEST) prepared the PCB Plan on behalf of the Railroad Spur Property (RSP) owner. The PCB Plan addresses removal of soils contaminated with polychlorinated biphenyls (PCBs) from the unpaved portion of the RSP and capping of PCB impacted soils in a specific area also located within the unpaved portion of the RSP.

EPA is approving the PCB Plan with conditions under the Toxic Substances Control Act (TSCA) PCB regulations in 40 CFR 761.61(a) and 761.61(c) (Approval). This Approval is effective immediately. This Approval applies to the entire RSP including any portion of the RSP crossing other properties not owned by the owner of the RSP. In addition, this Approval addresses the paved portion of the RSP not covered in the PCB Plan. WEST's June 9, 2014 letter to the owner of the RSP confirmed the presence in soils beneath the asphalt in the paved portion (eastern portion) of the RSP of about 1,738 mg/kg total PCBs.

The RSP is located adjacent to the former Tyco Thermal Controls facility (Tyco facility) at 2201 Bay Road, Redwood City, California. A PCB cleanup was completed at the Tyco facility in 2012. Among other things, that cleanup involved capping of soils contaminated with PCBs at levels up to 4,000 mg/kg within two areas of the Tyco facility. One of those capped areas is located adjacent to the RSP. Beneath the cap adjacent to the RSP, PCBs remain in place at levels below 4,000 mg/kg about eight feet below ground surface.

The PCB Plan for the RSP proposes to remove soils with PCB concentrations exceeding the California Regional Water Quality Control Board San Francisco Bay (RWQCB-SFB) screening level of 0.74 mg/kg for industrial use within an area of the RSP. Also in the plan it is proposed to excavate soils with high concentration of PCBs (i.e., to a depth of 2 feet bgs and to cap the remaining soils. We agree with this approach. While a full excavation of PCB impacted soils is not proposed to similar depths as conducted on the former Tyco facility, we believe the approach is consistent with the PCB remediation conducted at that facility.

A portion of the RSP is paved and the R&B Pipe Company abuts the spur in that area. Soils are contaminated in the area of the paved portion of the RSP with PCBs at levels up to 1, 738 mg/kg. The native soils that were tested are at 0.3 feet and 1 foot below the base rock-soil interface beneath the pavement (that is about 3 to 4 feet below ground surface). The PCB Plan does not address PCBs

in the paved portion of the RSP. The Approval includes conditions to address the PCBs in the paved portion of the RSP.

B. Property Owner, Land Use, Sources of Contamination, and PCB Cleanup Site

1. **Property (Facility) Owner.** Mr. Ronald Lampert owns the former railroad spur located along the boundary of the former Tyco facility at 2201 Bay Road in Redwood City, California. The spur extends beyond that boundary toward Charter Street.

2. **Land Use.** The property is not in use and it is surrounded by commercial and industrial uses.

3. **Sources of PCB Contamination.** Sources of PCB contamination include and may not be limited to PCB dielectric fluids delivered via rail car to historic operations involving electrical equipment at 2201 Bay Road.

4. **PCB Cleanup Site and PCB Cleanup Level.** The PCB Cleanup Site (PCS) is defined as the area encompassing the entire RSP and all the areas to where PCBs may have migrated. The PCB cleanup level for the RSP is 0.74 mg/kg total PCBs as Aroclors. This cleanup level is the RWQCB SFB soil screening level (SSL) for industrial land use. This SSL is more stringent than EPA's recently revised Regional Screening Level for PCBs in soils of 1 mg/kg for industrial land use.

C. Conditions of Approval

1. **Implementation of the PCB Plan.** The RSP owner and its consultants must implement the PCB Plan as modified by the conditions in this Approval.

2. **Written Certification.** Within 14 days after the date of this Approval submit the written certification required in 40 CFR 761.61(c)(1) and 761.61(a)(3)(i)(E). The certification must be signed by both the property owner and the cleanup party.

3. **Decontamination of movable equipment used in excavation and other activities.** All movable equipment must be decontaminated following and consistent with applicable requirements in 40 CFR 761.79(c)(2).

4. **Excavation western unpaved portion of the RSP.** Excavation in the western portion of the unpaved portion of the RSP must be conducted until the cleanup level of 0.74 mg/kg total PCBs is achieved based on verification samples. A barrier to prevent soil erosion and mobilization (e.g., via wind or storm water runoff) must be applied to the excavated area after the cleanup levels have been achieved.

5. **Excavation eastern unpaved portion of the RSP.** Onsite disposal of soils from the western excavation into the eastern excavation is allowed under this Approval to backfill the eastern excavation to a depth that facilitates construction of the TSCA cap. The cap must be of the

thickness and constructed consistent with the design depicted in the attached Figure 5-5 (Cap and Cover Details) of the PCB Plan. The Land Use Covenant must discuss the onsite disposal of soils from the western excavation into the eastern excavation that are contaminated with PCBs above the cleanup level and below 15 mg/kg total PCBs.

This Approval allows PCB-containing soils above 50 mg/kg to remain in place below 2 feet below ground surface in the eastern excavation area if the soils are capped as required in Condition 5 above. Survey coordinates of the eastern excavation boundaries and location of cleanup confirmation samples (excavation walls and floor) must be included in the Land Use Covenant.

6. **Segregation of excavated soils for disposal and PCB concentration for disposal.** Disposal of soils to be removed from the western and eastern excavations of the unpaved portion of the RSP must be based on the as-found in-situ (before excavation) PCB concentration. Soils from the western excavation must be segregated and disposed of according to their as-found in-situ concentration. Soils from the eastern excavation must be segregated, not mixed with soils from the western excavation, and disposed of at their as-found in-situ concentration.

7. **Notification of PCB Activity.** The transporter of the PCB remediation waste must submit to EPA Headquarters a Notification of PCB Activity for soils with concentrations equal to or above 50 mg/kg total PCBs before transportation of the waste to the disposal site. 40 CFR 761 Subpart K in the most recent revision of 40 CFR 761 must be consulted regarding manifest requirements. EPA revised those requirements in 2012.

8. **Sampling grid for cleanup verification.** The sampling grid for cleanup verification must be relatively smaller than any characterization grid used at the site. As an example, please refer to the characterization and cleanup verification grids in 40 CFR 761 Subpart N and Subpart O, respectively.

9. **Paved portion of the RSP.** Within 45 days after the date of this approval submit a plan to address PCBs in the paved portion of the RSP that includes sampling to determine the extent of the PCB contamination. A conference call with EPA may be scheduled to discuss this matter. Options to address this issue may be proposed during that future call.

10. **Land Use Covenant (LUC).** Within 45 days after EPA approves the PCB cleanup completion report and the Operation and Maintenance Plan for the cap and the erosion control layer, a draft LUC must be submitted to EPA for review. The paved portion of the RSP must be fully addressed in the cleanup completion report.

11. **Compliance with this Approval and applicable regulations.** This Approval does not relieve the owner of the RSP and its consultants from complying with this Approval, other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. This Approval does not relieve the owner of the RSP and its consultants from complying with applicable Bay Area Air Quality Management District rules. Departure from the conditions in this Approval

without prior written permission from the EPA may result in the commencement of proceedings to revoke this Approval, and/or an enforcement action. Nothing in this Approval bars the EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via Electronic and U.S. Postal Service Mail

May 31, 2013

Mr. Roland Lampert
899 Broadway Associates
900 Veterans Boulevard, Suite 410
Redwood City, California 94063
rolandlamp@aol.com

Re: Polychlorinated Biphenyls (PCBs), Toxic Substances Control Act (TSCA) - USEPA Directive for Cleanup of PCBs at Railroad Spur Property Adjacent to Former Tyco Thermal Controls LLC, 2201 Bay Road, Redwood City, California (Former Tyco Property)

Dear Mr. Roland Lampert:

As you indicated in previous meetings with the U.S. Environmental Protection Agency Region 9 (USEPA), 899 Broadway Associates owns the Railroad Spur Property (RSP) adjacent to 2201 Bay Road, Redwood City, California (i.e., Former Tyco Property). Soils at the RSP are contaminated with polychlorinated biphenyls (PCBs) which are regulated under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761. Therefore, USEPA is directing 899 Broadway Associates (RSP Owner) to submit a plan to (1) conduct additional characterization, if necessary and (2) cleanup soils contaminated with PCBs at the RSP.

The above required plan shall be consistent with the TSCA requirements in 40 CFR§761.61(a) (Notification) or §761.61(c) (Application). The RSP Owner shall submit the Notification or Application within 30 days after the date of this letter. This directive is being issued by USEPA pursuant to 40 CFR 761.50(b)(3) and it is based on the determination included below.

Any activity at the RSP that results in releases of dust from the RSP must be ceased immediately consistent with the May 29, 2013 letter issued to 899 Broadway Associates and other parties by the California Regional Water Quality Control Board San Francisco Region (RWQCB SFB).

In addition, within 15 days after the date of this letter, the RSP Owner shall complete the implementation of actions that prevent further uncontrolled releases of dust that may contain PCBs. Such actions must be consistent with the soil stabilization work plan required by the May 29, 2013 RWQCB SFB letter. Those actions are necessary to prevent the public and the environment from being potentially exposed to dust that may contain PCBs. At a minimum, such actions shall include:

(1) spraying a polymer over PCB-contaminated soils at the RSP or other similar approach to prevent further releases of dust that may contain PCBs;

(2) sampling of surfaces at the adjacent impacted properties to determine if cleanup of those surfaces is necessary; and

(3) sampling of the R&B pipes (including equipment to move the pipes) that were or still may be stored at the RSP to determine if decontamination is necessary under 40 CFR§761.79.

USEPA's Determination Under 40 CFR 761.50(b)(3) and Background

Under 40 CFR§761.50(b)(3), USEPA has the authority to direct an owner or operator of a site contaminated with PCBs to dispose of those PCBs in accordance with the regulations in 40 CFR§ 761.61 when they may pose an unreasonable risk of injury to health or the environment. We have determined the RSP may present an unreasonable risk of injury to health or the environment due to exposure to PCBs. Analytical results for composite soil samples collected within about 0 to 4 inches and 12 inches below ground surface at the RSP by your consultant (Jordan & Graf) on December 21, 2010 demonstrate PCB contamination levels up to 3,520 milligrams/kilograms (mg/kg). These levels of PCB contamination greatly exceed USEPA's risk-based Regional Screening Levels (RSL) for soils of 0.74 mg/kg PCBs. The RSL represents a 10^{-6} excess cancer risk based on an industrial/commercial land use scenario.

Moreover, on May 16, 2013, USEPA was notified by the California Regional Water Quality Control Board San Francisco Bay Region about dust blowing from the RSP unto adjacent properties such as 1155 Broadway LLC and tenants, parking lots, and Realty Income Properties.

USEPA also understands that 899 Broadway Associates has leased the RSP to R&B (a pipe company) to store pipes. We also understand that releases from the RSP are due, in part, to soil disturbance caused by R&B's activities on the RSP including the movement of pipes with heavy equipment. Please be aware that any use or distribution in commerce by 899 Broadway Associates and/or R&B of PCB-contaminated pipes may be a violation of TSCA. Regardless as 899 Broadway Associates is the owner of the RSP, it remains liable for the cleanup of the PCBs.

While you met with USEPA representatives in 2011 to discuss cleanup of PCBs at the RSP, 899 Broadway Associates took no steps to address the PCB contamination after that meeting. Therefore, issuance of this directive is necessary. Failure of 899 Broadway Associates to comply with this directive may be a violation of TSCA and could subject 899 Broadway associates to civil or administrative enforcement.

If 899 Broadway Associates wishes to schedule a meeting with USEPA or has questions concerning this directive, please contact Carmen D. Santos at 415.972.3360 or santos.carmen@epa.gov. Any contact with Ms. Santos will not by itself extend the schedule for action set forth in this directive, however.

We look forward to your reply and thank you for your prompt attention to the above matters. Thank you for your cooperation.

Sincerely,

Jeff Scott, Director
Waste Management Division

Cc Via Electronic Mail Only

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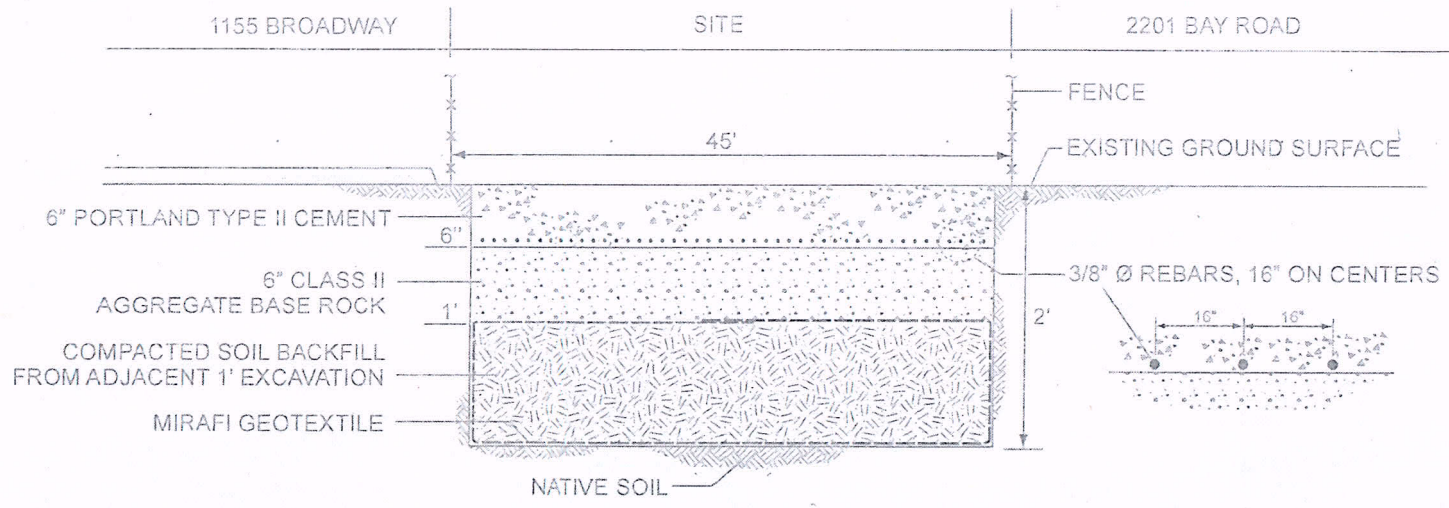
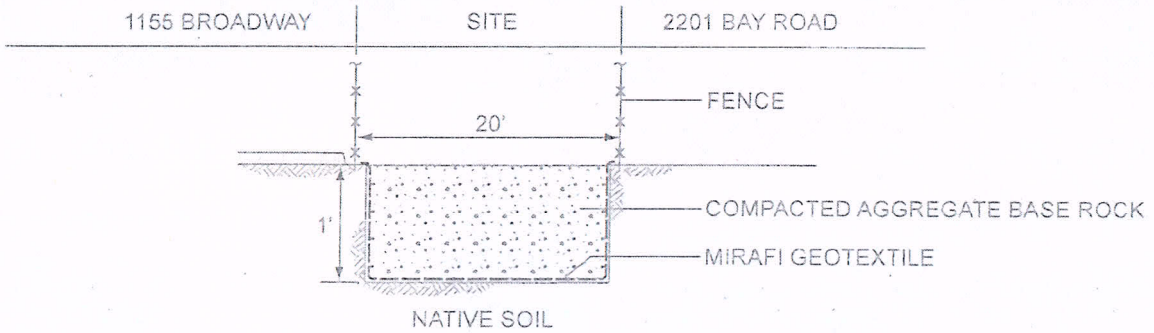


CAP DETAIL

N.T.S.



COVER DETAIL

N.T.S.

CAP AND COVER DETAILS

Former Rail Spur Properties
Redwood City, California

WEST Environmental Services & Technology

Figure 5-5

May 2014

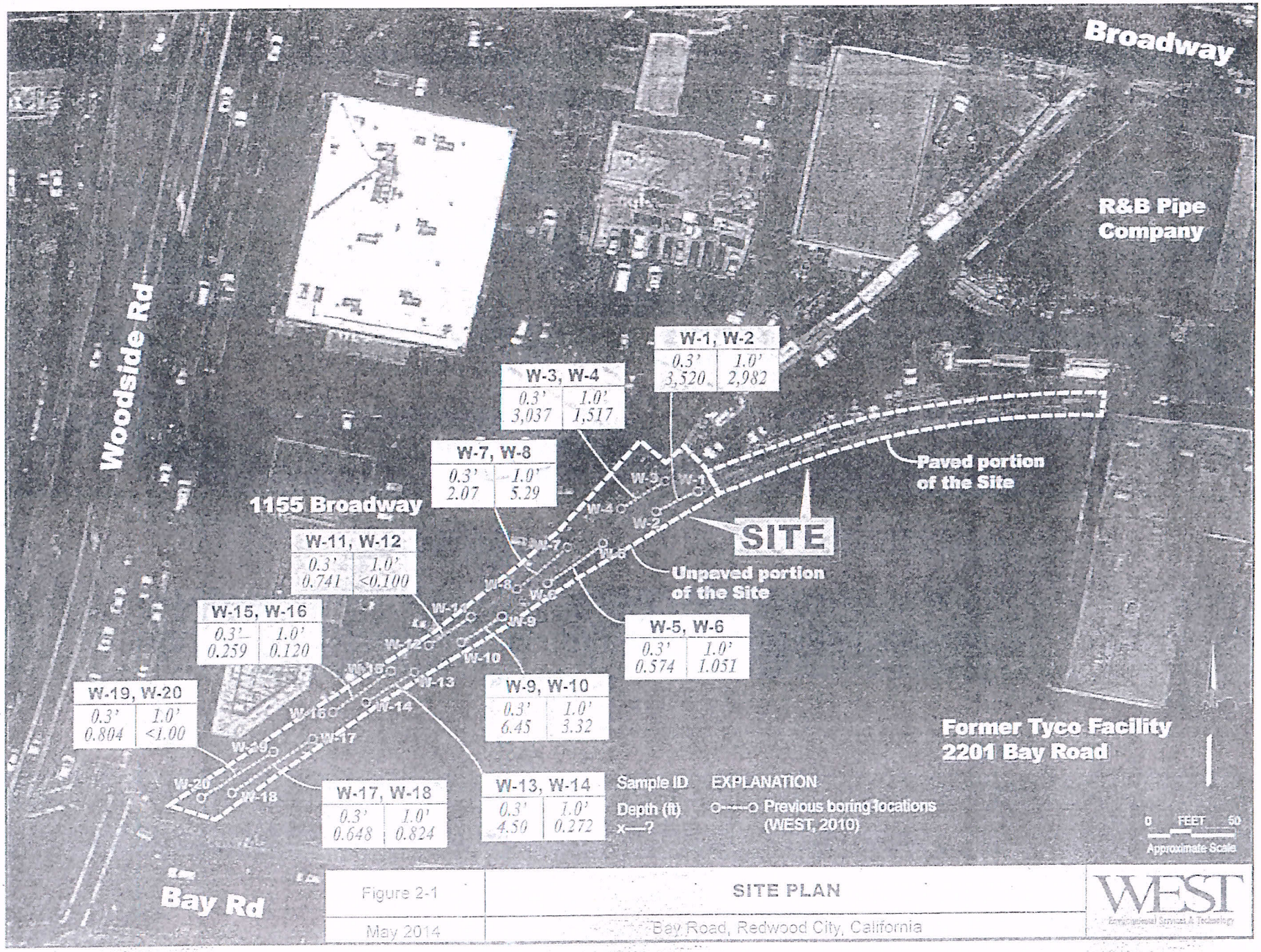


Figure 2-1	SITE PLAN
May 2014	Bay Road, Redwood City, California

WEST Environmental Services & Technology

Enclosure 2

Formula to Calculate Acceptable Air Dust Volume

Real-time dust monitoring should be used to assure that PCB levels in dust in air are maintained below risk-based levels. Real-time dust monitoring should be continuous during field operations and performed at locations that include those representative of potential maximum off-site dust concentrations. Real-time "background" dust-in-air concentrations may be subtracted from site-related measurements when determining compliance with risk-based limits on dust-in-air concentrations. "Background" dust-in-air concentrations must be measured in real time and compared to real time dust-in-air concentrations at "downwind" monitoring locations. Response to exceedances of project-related dust-in-air limits should be performed immediately.

Acceptable level of dust in air based on highest PCB concentration (mg/kg) in dust source may be calculated as follows, EPA will consider proposals for the use of other methods.

Cda = RfCd x 1E9 / Cca

Where

Cda = concentration of dust in air (ug/m3)
RfCd = Derived inhalation reference concentration (mg/m3)
Cca = Allowable PCB concentration in concrete (1 mg/kg)
1E9 = Unit conversion factor (ug/kg)

No inhalation RfC is published in IRIS, and so must be derived (RfCd) from the oral reference dose:

RfCd = RfDo x BW / IR

Where

RfDo = Oral reference dose (2E-5 mg/kg-da)
BW = Body weight (15 kg) (body weight used to develop soil RSLs)
IR = Inhalation rate (10 m3/day) (corresponds to body weight in EFH Tables 6-1 and 8-1)

Any air sampling for TO-10 analysis should use the nominally optional glass-fiber filter in the sample collection train. The glass-fiber filter and PUF sorbent should be analyzed separately for each air sample.